

Article - Health Occupations

8-317.

(a) Except as otherwise provided in the Administrative Procedure Act AND IN SUBSECTION (G) OF THIS SECTION, before the Board takes any action under § 8-312, § 8-316, or § 8-404 of this title, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) The hearing notice to be given to the person shall be sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of the person at least 30 days before the hearing.

(d) The person may be represented at the hearing by counsel.

(e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

(f) Over the signature of the president or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(G) THE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF A REGISTERED NURSE OR LICENSED PRACTICAL NURSE WHO IS EXPELLED FROM THE REHABILITATION PROGRAM UNDER § 8-208 OF THIS TITLE FOR NONCOMPLIANCE WITH THE NURSE'S AGREEMENT IF:

(1) PRIOR TO SUSPENDING THE LICENSE, THE BOARD PROVIDES THE NURSE WITH AN OPPORTUNITY TO SHOW CAUSE BY WRITTEN COMMUNICATION OR NONTESTIMONIAL PRESENTATION AS TO WHY THE SUSPENSION SHOULD NOT OCCUR; AND

(2) THE BOARD PROVIDES THE NURSE WITH AN OPPORTUNITY FOR A HEARING, WHICH:

(I) SHALL OCCUR WITHIN 30 DAYS OF WRITTEN REQUEST BY THE NURSE; AND

(II) SHALL IMPOSE ON THE LICENSEE THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE LICENSEE IS NOT ADDICTED TO DRUGS OR ALCOHOL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved April 28, 1998.